



BAC

PATENT
ATTORNEY DOCKET NO. 50393/007001

Certificate of Mailing: Date of Deposit: February 9, 2007

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah Wilcox

Printed name of person mailing correspondence

Sarah Wilcox

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kemp et al.	Confirmation No.:	5682
Serial No.:	10/589,150	Art Unit:	1645
Filed:	August 11, 2006	Examiner:	Not yet assigned
Customer No.:	21559		
Title:	Wound Healing Profile		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)

Applicants hereby petition under 37 C.F.R. § 1.47(a) to support the submission of a Declaration in which a joint inventor is unavailable to sign for an application for patent.

The enclosed Declaration is signed by six of the seven inventors (Paul Kemp, Gyorgyi Talas, Jennifer Sutherland, Penelope Ann Johnson, Andrew Shering, and Michael McWhan). The remaining inventor, Ms. Margaret Batten, cannot be located.

Applicants request consideration of the following remarks in light of this Petition.

02/13/2007 HVUONG1 00000024 10589150

01 FC:1463

200.00 0P

REMARKS

Requirements for Filing a Petition Under 37 C.F.R. § 1.47(a):

Title 37 C.F.R. § 1.47(a) states:

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g) and the last known address of the nonsigning inventor.

To satisfy these requirements, Applicants provide:

- (1) A Declaration signed by the available inventors;
- (2) A Statement by an agent of the Assignee of the present application, Ms. Teresa Shering regarding diligent efforts undertaken to locate the non-signing inventor (Appendix A);
- (3) The last known address of the nonsigning inventor; and
- (4) The petition fee as set forth in 37 C.F.R. § 1.17(g).

Applicants also provide below a summary of the pertinent facts related to Applicants' diligent efforts to locate the non-signing inventor.

Summary of Pertinent Facts

Pursuant to the requirements set forth in M.P.E.P. § 409.03(d), Applicants support their petition under 37 C.F.R. § 1.47(a) with a statement of facts (see Appendix A), which is signed by Ms. Teresa Shering, who is an IP and Licensing Manager at Intercytex Limited, the assignee of the present application (Assignment recorded on November 9, 2006, at Reel/Frame

018502/0276). Ms. Shering has firsthand knowledge of the facts recited in the accompanying Appendix, as it was she who undertook several unsuccessful attempts to locate and contact Ms. Batten. Ms. Shering's efforts include attempts to contact Ms. Batten at her last mailing address, attempts to contact Ms. Batten at her last known phone numbers, attempts to contact Ms. Batten by e-mail, attempts to reach Ms. Batten through her boyfriend's phone number, attempts to reach Ms. Batten through her previous employer, attempts to locate Ms. Batten by conducting internet searches, and attempts to reach Ms. Batten through the Merseyside local education authority where Ms. Batten is a registered supply teacher. In view of the diligent efforts taken by Applicants through their agent, Ms. Shering, to locate Ms. Batten, Applicants submit that the signed statement by Teresa Shering detailing the steps taken to locate Ms. Batten satisfies the requirements under 37 C.F.R. § 1.47(a).

Signed Oath and Declaration by Available Inventors

Applicants' attempts to locate Ms. Batten, as is discussed above and as is evidenced by Ms. Shering's statement provided as Appendix A, represent a *bona fide* attempt to comply with the requirements of 37 C.F.R. § 1.47. Accordingly, Applicants respectfully request that the enclosed Declaration, which is signed by all of the available inventors and in which the signature block of the nonsigning inventor, Ms. Batten, has been left blank, be accepted and that the present application for patent be allowed to proceed as being made by the other inventors on behalf of themselves and the non-signing inventor, Ms. Batten, as is permissible under 35 U.S.C. §116 (see M.P.E.P. § 409.03).

Last Known Address of Nonsigning Inventor

As is required, Applicants provide the last known mailing address of Ms. Margaret Batten, which is:

Margaret Batten
63 Ormskirk Road
Rainford
St. Helens
WA11 8DQ

CONCLUSION


Applicants submit that the requirements under 37 C.F.R. § 1.47(a) have been satisfied and respectfully request that the enclosed Declaration be accepted so that the above-referenced application for patent may be allowed to proceed.

Enclosed is a check in payment of the petition fee set forth in 37 C.F.R. § 1.17(g)

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 9 February 2007



for Paul T. Clark,
Reg. No. 30,162

TOOD ARMSTRONG, Ph.D.
Reg. No. 54,590

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



Appendix A

Margaret Batten

Last Known address :

63 Ormskirk Road
Rainford
St Helens
WA11 8DQ

Steps taken to locate Dr Margaret Batten

- 1) Have made contact via last known mailing address – No response
- 2) Have made contact using last known telephone numbers – Line no longer available.
- 3) Tried contacting personal email – No response
- 4) Have tried contacting her boyfriends (Mr Gareth Pugh) last known mobile phone number – No response.
- 5) Contacted her previous employer – Professor Neil Bulleid at University of Manchester (neil.bulleid@manchester.ac.uk). No other contact details than those we already had.
- 6) Extensive web searching (including directory enquiries)– No relevant hits
- 7) Contacted Merseyside local education authority – (Margaret left Intercytex to do teacher training in Merseyside). The local education authority has details of her as a registered supply teacher. The LEA tried calling her on the contact details they had available – Both numbers were un-obtainable.

Signed

T. Shering 11th December 06.

Teresa Shering
IP and Licensing Manager

11th December 2006